

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Aden CANTU

Case No. SA-23-MJ-1738

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 15, 2023 in the county of BEXAR in the  
WESTERN District of TEXAS, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922(o)

Possession of a Machinegun: Up to 10 Years Imprisonment, Up to 3 Years Supervised Release, Up to \$250,000 Fine, \$100 Mandatory Special Assessment.

26 U.S.C. § 5861(d)

Possession of an Unregistered NFA Firearm: Up to 10 years imprisonment, Up to 3 years of Supervised Release, a fine of up to \$10,000, \$100 mandatory Special Assessment.



This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

DANIEL HUBER

Digitally signed by DANIEL HUBER  
Date: 2023.12.15 16:04:05 -06'00'*Complainant's signature*

Daniel Huber, ATF Special Agent

*Printed name and title*
☐ Sworn to before me and signed in my presence.

☒ Sworn to telephonically and signed electronically.
Date: 12/18/2023
*Judge's signature*City and state: San Antonio, Texas

Richard B. Farrer, U.S. Magistrate Judge

*Printed name and title*

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Special Agent Daniel Huber, being duly sworn do hereby depose and state:

1. Your Affiant is currently employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since November 2022. Since November 2022, your affiant has participated in investigations concerning violations of Title 18 and Title 26 of the United States Code.
2. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is involved in an ongoing investigation of firearms trafficking in San Antonio, Texas, within the Western District of Texas. During the investigation, investigators discovered **Aden CANTU (CANTU)** is utilizing his social media accounts, namely Instagram and Facebook, to facilitate the illegal sale of firearms, including stolen firearms, machinegun conversion devices (MCDs), and firearms that have been illegally converted into machine guns by attaching an MCD. A review of those social media accounts also revealed numerous images and videos in which **CANTU** can be seen possessing various illegal firearms, including MCDs (commonly referred to as “Glock switches”) and firearms that have been converted into machineguns by attaching an MCD. The sole purpose of the machine gun conversion device or “Glock switch” is to convert a semi-automatic firearm into a fully-automatic machine gun. The possession of machineguns and machinegun conversion devices is generally prohibited by Federal law. *See* 18 U.S.C. § 922(o); *see also* 26 U.S.C. § 5845(b) (defining “machinegun”). **CANTU** further had multiple conversations through social media discussing how to install MCD devices, and discussing how MCD devices are able to convert firearms into fully automatic machineguns.
3. During the course of the investigation, your Affiant also learned that **CANTU** resides at 802 West Pyron Avenue, San Antonio, Texas. Among other information, your Affiant learned that **CANTU** is currently on pretrial house arrest through Bexar County, Texas, at this address. Additionally, your Affiant’s aforementioned review of **CANTU’s** social media accounts revealed multiple instances where **CANTU** told other individuals that his address was 802 West Pyron Avenue.
4. Additionally, on December 1, 2023, your Affiant also observed a transaction between **CANTU** and an unidentified male at the 800 block of Pyron Avenue, San Antonio, Texas. **CANTU** gave the male money, and in return, the male provided multiple clear baggies containing box style metallic objects. Your Affiant previously applied for and received Pen Register warrants for **CANTU’s** Facebook and Instagram accounts. During the time the vehicle was at the residence, your Affiant observed **CANTU** speaking with another Instagram account that is an open account viewable to the public.

Around the time the vehicle was at the residence, this other Instagram account posted two videos to that user's "story feed." The first video displayed three separate clear baggies that appeared to contain MCDs. The first clear baggie contained two gold in color MCDs, the second baggie contained three black in color MCDs, and the third baggie contained two MCDs, one black and one gold, for a total of seven (7) MCDs between the three baggies. The videos and still shot photographs were sent to the ATF Firearms and Ammunition Technology Division. Based on the images, it was determined the devices were machinegun conversion devices, which are considered machineguns under federal law. *See* 26 U.S.C. § 5845(b) (defining "machinegun").

5. On December 15, 2023, ATF executed a federal search warrant for a residence on the 800 block of Pyron Avenue, San Antonio, Texas. Prior to the execution, investigators conducted surveillance at the residence. Agents observed **CANTU** leave the residence to go to an appointment with his Bexar County Probation Officer. **CANTU** was detained at the probation office without incident.
6. Once the residence was secure, the search warrant was executed. During the execution of the search warrant, agents discovered a safe in one of the bedrooms, and a key for that safe was located under the couch in the living room. Also found in that bedroom, next to the safe, was a Texas Identification Card and a Bexar County Probation Identification Card, both belonging to **CANTU**. Additionally, the following items were located in that same bedroom:
  - Glock, model 19, 9mm pistol, SN: BBZS304, with "machine gun conversion device" attached, located in a bedroom safe.
  - Glock, model 19, 9mm pistol, SN: BTXE433, with "machine gun conversion device" attached, located in the bedroom safe.
  - Glock, model 23, 40 caliber pistol, SN: WEA365, with "machine gun conversion device" attached, located in the bedroom safe.
  - Glock, model 23, 40 caliber pistol, SN: AERC528, with "machine gun conversion device" attached, located in the bedroom safe. The firearm is a stolen firearm.
  - Approximately \$17,000 in US currency found next to the recovered MCD devices, also in the bedroom safe.

An additional 12 firearms including one stolen pistol, ammunition, firearm magazines and a cell phone were also found in the same bedroom.

7. When **CANTU** was detained at the probation office, he confirmed living at 802 West Pyron Avenue with his sister. In a custodial interview, **CANTU** invoked his right to not answer questions.
8. A check of the Nation Firearms Registration and Transfer Record (NFRTR) revealed that **CANTU** did not have any National Firearms Act (NFA) firearms registered to him, as would be required to lawfully possess a machinegun.

FEDERAL CRIMINAL VIOLATIONS

9. Based on the above facts, your affiant believes that there is probable cause that, on or about December 15, 2023, in the Western District of Texas, **Aden CANTU** knowingly possessed a machinegun, in violation of 18 U.S.C. § 922(o); and knowingly possessed a firearm that is not registered to him in the National Firearms Registration and Transfer Record, in violation of 26 U.S.C. § 5861(d); *see also* 26 U.S.C. 5845(a)(6), (b).
10. The maximum penalty for violating 18 U.S.C. § 922(o) is up to 10 years in prison, up to 3 years of supervised release, a fine of up to \$250,000, and a \$100 mandatory special assessment. *See* 18 U.S.C. § 924(a)(2); 18 U.S.C. § 3583(b)(2); 18 U.S.C. § 3571(b)(3); 18 U.S.C. § 3013(a)(2)(A). The maximum penalty for violating 26 U.S.C. § 5861(d) is up to ten years imprisonment, up to 3 years of supervised release, a fine of up to \$10,000, and a \$100 mandatory special assessment. 26 U.S.C. § 5871; 18 U.S.C. § 3583(b)(2); 18 U.S.C. § 3013(a)(2)(A).
11. Assistant U.S. Attorney John Fedock was notified and agreed to prosecute the case on the Federal level in the Western District of Texas.

DANIEL HUBER Digitally signed by DANIEL  
HUBER  
Date: 2023.12.15 16:05:57 -06'00'

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Daniel Huber  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives

SWORN TELEPHONICALLY ON THIS 18th DAY OF December, 2023.



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HONORABLE JUDGE RICHARD B. FARRER  
UNITED STATES MAGISTRATE JUDGE